

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES' RESPONSE IN OPPOSITION
TO DEFENDANT'S MOTION FOR FURLough TO ATTEND A FUNERAL

The United States is in receipt of and responds in opposition to Defendant's Motion for Furlough, Doc. 29.

1. On March 10, 2021, the court issued a complaint and arrest warrant for the Defendant, Jameson Begaye. The complaint alleged that the Defendant committed Murder in Indian Country pursuant to 18 U.S.C. §§ 1111(a) and 1153. Doc. 2.
 2. According to the complaint affidavit, on or about March 7, 2021, the Defendant murdered John Doe by shooting him in the chest and abdomen. *Id.* ¶¶ 6, 8. He then fled the scene.
Id.
 3. On March 8, 2021, Navajo Police located the Defendant's vehicle in an area outside of Shiprock. *Id.* ¶ 11. A criminal investigator saw the Defendant get out of his vehicle at a residence. *Id.* When the investigator approached the Defendant and requested to speak to him, the Defendant responded, "Jameson isn't here," got back into the Malibu, which was being driven by the Defendant's son, and drove away. *Id.* Navajo Police marked vehicles

then appeared on the scene and the Defendant's vehicle drove away at a high rate of speed. *Id.* During the pursuit, multiple gunshots were fired from the Defendant's vehicle. *Id.* At some point during the pursuit, officers observed an occupant of the Defendant's vehicle toss an object out the window. *Id.* Eventually, the vehicle stopped, and the occupants were taken into custody. *Id.*

4. Officers went to identify the object that was tossed out the window of the Defendant's vehicle. The object was identified as a .22 caliber pistol. *Id.* ¶ 13. Officers also observed multiple spent and unspent .22 caliber rounds in the Defendant's vehicle. *Id.* Additionally, officers found spent .22 caliber cartridge casings on the floor of the scene of the murder. *Id.*
5. The United States is sympathetic to Defendant's circumstances but is not able to join in Defendant's motion. The government opposes Defendant's request due to the nature and circumstances of the Defendant's charges. The nature of the offense was violent and resulted in the death of John Doe by gunshot wounds. The Defendant also tried to avoid apprehension and led police on a high-speed chase. During the high-speed chase, shots were fired from the Defendant's vehicle. Someone who is capable of committing murder and then leading the police on a high-speed chase while shooting firearms is a danger to the community.
6. The government is also concerned about potential for the Defendant to flee and not return to custody once his furlough is over. The Defendant has already tried to flee law enforcement in this case. The chase and shootout placed the community and the law enforcement involved in the chase in danger. The actions of the Defendant demonstrate

that he is willing to place members of the community at a high risk of injury or death to avoid apprehension.

7. The death of a child is something no one should experience. Attendance at his own son's funeral would undoubtedly be emotionally taxing and likely cloud the Defendant's judgment and his obligation to return to custody. The Defendant has already shown his willingness to flee police. Combined with the grief of losing his son, the United States is very concerned that Defendant would not return to custody if he were granted temporary furlough.
8. Given the nature and the circumstance of the crime in this case, as well as the likelihood of flight from prosecution, the United States opposes the requested temporary release from custody.

WHEREFORE, the United States respectfully requests this Court deny Defendant's motion. The filing of this response motion in CM/ECF caused a copy to be served on Defendant's counsel of record Devon M. Fooks.

Respectfully submitted,

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